

## **REMARKS**

Favorable reconsideration and allowance of the claims of the present application are respectfully submitted.

The instant Office Action is submitted concurrently with a Terminal Disclaimer pursuant to 37 C.F.R. § 1.321(c) together with the appropriate fee pursuant to §1.20(d).

Claims 1-13 are rejected. Particularly, Claims 1-13 stand provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-13 of co-pending Application No. 10/869,223. Moreover, Claims 6-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In addition, Claims 1-13 stand rejected under 35 U.S.C § 103(a) as allegedly unpatentable over Hasha (U.S. 6,993,771) in view of Lortz (U.S. 6,438,618).

In response, Applicants provide the following responses to the rejections of the claim set forth in the July 16, 2007 Office Action.

With respect to the non-statutory obviousness-type double patenting, Applicant s' counsel have executed an October 16, 2007 Terminal Disclaimer pursuant to 37 C.F.R § 1.322(b)(1) with respect to co-pending Application No. 10/869,223 filed June 16, 2004. Applicants' note for the record that the both co-pending Application No. 10/869,223 and the present application are commonly assigned to International Business Machines Corporation (IBM), Armonk, New York. An Assignment as to parent Patent Application No. 10/869,223 was recorded in the U.S. Patent Office on June 16, 2004 (Reel/Frame 015488/0265) and an assignment as to continuation-in-part Patent Application No. 10/789,167 was recorded in the U.S. Patent Office on April 7, 2004 (Reel/Frame 014503/0694).

Therefore, in light of the concurrently filed and executed Terminal Disclaimer, Applicants respectfully request withdrawal of this ground of rejection.

With respect to the indefinite rejection as to Claims 6-10 under 35 U.S.C. § 112, second paragraph, Applicants have amended base Claim 6 to present that claim in proper *Beauregard* form, to recite a computer program “storage” device, readable by machine, tangibly embodying a program of instructions executable by a machine. In re Beauregard, 53 F.3d 1583 (Fed. Cir. 1995). In particular, Applicants have amended the preamble of base Claim 6 to include language to refer to a “computer” program storage device, “readable by a machine,” and to provide a transitional phrase “said steps comprising.” Moreover, the term “*the* method” has been deleted rendering the antecedent rejection moot. In addition dependent Claims 7-10 have be amended to provide proper dependency to base Claim 6 by adding the language “computer” program storage device.

In addition dependent Claims 7-10 have be amended to provide proper dependency to base Claim 6.

Therefore, in light of the amendments to base Claims 6-10, Applicants respectfully request withdrawal of this ground of rejection.

With respect to the obviousness rejection of Claims 1-13 as allegedly unpatentable over Hasha in view of Lortz, Applicants have amended base claims 1, 6, and 11 and provide the following traversal of the rejection. Support for the amendments to the base claims is found in the specification. For example, on page 1, paragraph [0005], the specification specifically defines “[a]n event generally refer[ing] to an occurrence of significance to a tack, such as opening of a window or the completion of an **asynchronous operation**.” (Emphasis added) No new matter was added.

Base Claim 1, as amended recites a method for the use of a server host in controlling the communication of different event messages to at least one client host, comprising, *inter alia* **asynchronously** communicating a different event message. Moreover, base Claim 6, as amended recites a similar apparatus in Beauregard format. Similarly, base Claim 11, as amended, recites a method for use at a client, comprising, *inter alia*, **asynchronously** communicating a registration request to the sever host.

In contrast, Hasha discloses a “timer event” as admitted in the Office Action on page 4, paragraph 6. In particular, Hasha timer event may further be classified into catastrophic timer events, warning tuner events, and information timer events, Col. 30, lines 21-30. In other words, Hasha communications are synchronously communicated based upon a timer. Hence, the communications in Hasha are not **asynchronously** communicated as recited in all three amended base Claims 1, 6 and 11.

Therefore, Hasha fails to suggest or teach a host server for **asynchronously** communicating a different event message as recited in base Claims 1 and 6 or a client, **asynchronously** communicating a registration request to the sever host.

Regarding, Lortz that reference also fails to disclose **asynchronously** communicating as recited in all three amended base Claims 1, 6 and 11. Lortz, as read by Applicants relates specifically to filtering events so that an event subscriber only receives events that meet a condition set by the event filter (see Abstract of Disclosure). In other words, Lortz is not concerned with the communications media asynchronous, but with providing a control object (Lortz’ FIG. 3, Reference Character 25) to filter out less important events.

Therefore, Lortz fails to suggest or teach a host server for asynchronously communicating a different event message as recited in base Claims 1 and 6 or a client, asynchronously communicating a registration request to the sever host.

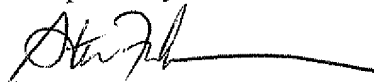
Accordingly, neither Hasha along or in combination with Lortz suggest or teach a host server for asynchronously communicating a different event message as recited in base Claims 1 and 6 or a client, asynchronously communicating a registration request to the sever host. Specifically, as explained above, Hasha relies on a timer to synchronous events in a hierarchical structure while the present invention communicates asynchronously as recited in the amended base Claims 1, 6 and 11. Hence, combining Hasha with Lortz would not suggest or teach, for example asynchronously communicating a different event message as recited in amended base Claim 1 and 6. Furthermore, Lortz silence on the type of communication (asynchronous versus synchronous) fails to remedy Hasha's deficiency in not providing for asynchronously communicating a different event message as recited in amended base Claims 1 and 6 or a method for use at a client, comprising, *inter alia*, asynchronously communicating a registration request to the sever host as recited in amended base Claim 11. As such, the combination of Hasha and Lortz fails to suggest or teach the present invention.

Moreover, Applicants note that the remaining claims, Claims 2-4, 7-10 and 12-13, which are dependent from amended base Claims 1, 6 and 11 no longer read on Hasha and/or Lortz based upon their dependency.

Therefore, in light of the amendments to base Claims 1, 6 and 11, Applicants respectfully request withdrawal of this ground of rejection.

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully Submitted,



Steven Fischman

Registration No. 34,594

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza – Suite 300  
Garden City, New York 11530  
(516) 742-4343  
SF:DJD:tam

**Enclosures**